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    Amazon.com, Inc. and Jeffrey P. Bezos
12
                    UNITED STATES DISTRICT COURT
13   FOR THE WESTERN DISTRICT OF WASHINGTON

14

15 Rhawn Joseph   Case No. 2:13-cv-01656-JCC
    Pro Se,
16
                    Plaintiff,
17   **Declaration of Chad Prohaska In Support of**
        v.   **Defendants' Opposition to Plaintiff's Motion for**
18   **Summary Judgment and Cross-Motion for**
    Amazon.com, Inc. & Jeffrey P. Bezos,   **Judgment on the Pleadings and/or Summary**
19   **Judgment on All Claim**
                    Defendants.
20

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23   I, Chad Prohaska , declare:

24   1.   I am an Associates Enforcement Manager at Amazon.com, Inc. ("Amazon"). I

25 have personal knowledge of the matters stated herein.

26   2.   Under the Amazon Associates program, "associates" may advertise on their own

websites products that are offered for sale on Amazon's website. Under certain conditions, associates earn advertising fees when customers click on the links to Amazon products on their websites and make purchases through amazon.com. The conditions under which Amazon will pay advertising fees to associates under the Associates program are set forth in the Associates Program Operating Agreement. True and correct copies of the Agreement in effect at the time Amazon's records indicate Joseph last opened an Associates account and the current version of the Agreement are attached hereto as Exhibits A and B.

3.   Under the Associates program, it is the associate's responsibility to ensure that they have properly formatted the links on their website to allow Amazon to track customers that click through and make purchases on Amazon's website. Specifically, associates must embed in each link a special "tagged" link format, which typically includes in the link URL the symbols "&=" followed by a unique string of characters identifying the associate's account.

4.   Advertising fees that Amazon pays to associates under the Associates program are calculated automatically. Without proper formatting of links, Amazon cannot track clicks from the associate's site to amazon.com and therefore cannot pay advertising fees for any qualifying purchases made after clicking through links on the associate's site.

5.   Amazon explains the process for creating links for the Associates program on the Associates program website at https://affiliate-program.amazon.com/gp/associates/help/operating/linking?ie=UTF8&pf_rd_i=assoc_operating&pf_rd_m=ATVPDKIKX0DER&pf_rd_p=&pf_rd_r=&pf_rd_s=assoc-center-1&pf_rd_t=501&ref_=amb_link_353005802_11. A true and correct copy of that page is attached hereto as Exhibit C.

6.   Once an associate establishes a link to an Amazon product on his website, Amazon does not alter or change the link on the associate's website in any way.

7.   I have reviewed Joseph's website, located at http://brainmind.com/. That website

contains multiple links to products available for sale on amazon.com. Some of those links are properly formatted. However, it appears that there are several links to products on Amazon's website that do not contain the special "tagged" format that would allow Amazon to track purchases by customers who click through those links.

8.   I have reviewed Amazon's records for Joseph's Associates account. Amazon's records show that users who clicked on a properly formatted link on Joseph's website have made 1,971 qualifying purchases that would entitle Joseph to an advertising fee from Amazon.com.

9.   Amazon has paid a total of $2,678.45 in advertising fees to Joseph.

10.   According to Amazon's records, Amazon has paid an advertising fee to Joseph each and every time a customer made a qualifying purchase under the Associates agreement.

I declare under penalty of perjury that the foregoing is true and correct. Executed 21st day of October, 2013, in Seattle, WA.

_____
Chad Prohaska